

Course Descriptions

Managing Juvenile Cases

In Texas, municipal and justice courts come into contact with more children accused of violating the law than juvenile courts. Municipal courts need to be prepared to handle this large volume of juvenile cases. This four-hour program will focus on: 1) the Texas juvenile justice system and the role of municipal courts; 2) intake and administrative matters in juvenile cases filed in municipal court; 3) legal, logistical, and ethical issues relating to juvenile case managers in municipal courts; and 4) permissive and mandatory transfer from municipal to juvenile court.

By the end of the session, participants will be able to:

1. Describe the role of municipal court as a component in the Texas juvenile justice system;
2. Identify specific intake and administrative requirements when handling juvenile cases filed in municipal court;
3. Analyze the legal, logistical, and ethical issues relating to juvenile case managers in municipal courts; and
4. Distinguish permissive and mandatory transfer from municipal court to juvenile court.

Legislative Hits and Misses

The 82nd Regular Legislature of Texas convened on January 11, 2011. Of the thousands of bills filed, about 800 would have affected municipal courts in Texas. After 140 days, less than a quarter of those bills became law. This session will highlight the most significant and notable changes that judges need to be aware of. Some laws bring about long-needed change, while others will present new challenges for the municipal courts of Texas.

By the end of the session, participants will be able to:

1. Identify recent substantive and procedural changes in the law pertaining to municipal court;
2. Describe changes that may affect magistrate duties;
3. Discuss methods for implementing new procedures in municipal court required under recent legislation; and
4. Compare and contrast the new legislation with the previously existing laws.

Ethics & Race Sensitivity

The Rules of Judicial Education compel judicial education entities to provide training in ethics, which must include issues related to race fairness, ethnic sensitivity, and cultural awareness. Racial, ethnic, and cultural diversity are topics that have become increasingly important as our state, indeed our country, continues to grow embracing people many different backgrounds. It remains a serious concern since prejudice and ignorance, whether blatant or subtle, have not been fully eradicated. Diversity issues are particularly important in the municipal courts that occupy a unique position in the Texas judicial system.

More citizens come into personal contact with municipal courts than with all other Texas courts combined. For most citizens – whether appearing as a defendant, witness, or juror – this may be their only personal contact with the judicial system. Persons in any court for the first time will form a lasting impression of the justice system. Public impression of the judicial system is affected and shaped in large measure by the proceedings of the municipal court.

By the end of the session, participants will be able to:

1. Discuss bias and its impact on judicial decision making;
2. Describe the effects of race, gender, and age on criminal justice decisions in the field and in the courtroom; and
3. Compare and contrast explicit and implicit bias.

Case Law and Attorney General Update

This course is designed to keep municipal judges apprised of recent events in case law and to identify opinions of interest issued by the Office of the Texas Attorney General.

By the end of this session, judges will be able to:

1. Explain how recent federal and state court decisions affect procedural and substantive legal issues in municipal courts;
2. Explain how recent federal and state court decisions affect procedural and substantive legal issues pertaining to state magistrates;
3. Summarize Texas Attorney General Opinions of interest to municipal courts; and
4. Describe the ethical implications of select case law and Attorney General opinions.

Insurance Laws

It is estimated, at a minimum, that 20% of the vehicles on Texas roads are uninsured, which translates to one out of every five cars. Uninsured drivers cost Texans an estimated \$1 billion each year. Texas law requires that vehicles and drivers be insured; it is a Class C misdemeanor offense to fail to maintain financial responsibility, of which insurance is the most prevalent form.

This session will examine Chapter 601 of the Transportation Code and look at the laws related to auto insurance in Texas. From the requirement to maintain financial responsibility, to the ways to prove financial responsibility, to the criminal offense for failure to maintain financial responsibility, this class will address some of the frequently asked questions in the realm of insurance laws. As detailed as the laws in Chapter 601 are, there are still many gray areas as far as how to handle a criminal offense for failure to maintain financial responsibility in municipal court.

By the end of the session, participants will be able to:

1. Identify statutory authority requiring the “establishment” of financial responsibility for drivers;
2. Analyze insurance coverage issues;
3. Discuss methods of insurance verification; and
4. Examine laws applicable to license suspension and surcharges.

Pedestrian Laws

Traffic fatalities are often reported in terms of motorists, motorcyclists, bicyclists, or pedestrians. In recent years, of all deaths resulting from motor vehicle traffic crashes, pedestrians accounted for about 12% of the fatalities nationally. This is a scary number, considering we often disregard pedestrians as “traffic.”

With national movements encouraging Americans (and state movements encouraging Texans) to get active and walk, it is important for pedestrians and motor vehicle traffic to learn to share the road. This class will examine the laws related to pedestrians in Chapter 552 of the Transportation Code, including laws on who has the right of way.

By the end of the session, participants will be able to:

1. Discuss the importance of pedestrian laws;
2. Identify laws applicable to regulation of pedestrians; and
3. Explain administrative implications of pedestrian laws.

Mental Health Issues

Mental illness is a worldwide health problem that impacts over hundreds of millions of individuals. It is projected that the problem will continue to grow, and the World Health Organization (2001b) predicts that by the year 2020 mental and behavioral disorders will account for 15% of the global burden of disease, up from 11% in 1990. While mental illness is not a new concern for the criminal justice system, there has been a growing consideration about the issue of mental illness in general and about the prevalence of individuals with mental health issues and their contact with the criminal justice system. This course aims to prepare judges for interaction with the mentally ill by discussing the meaning of mental illness, insanity, and incompetency; exploring common indicators of mental illness; and reviewing duties of the judge in those interactions.

By the end of the session, participants will be able to:

1. Describe mental illness as defined in the Health & Safety Code;
2. Differentiate Incompetency from Insanity as related to criminal cases;
3. Identify common indicators of mental illness; and
4. Discuss the duties of a municipal court judge in dealing with persons with mental illness.

DSC & Deferred

Chapter 45 of the Code of Criminal Procedure provides two primary ways that defendants, subject to compliance with a court order, may avoid the imposition of a final judgment of guilt: deferred disposition and driving safety courses. Of all the figurative tools in a municipal judge’s toolbox, no other statute compares to Article 45.051, Code of Criminal Procedure, and its creation of deferred disposition in terms of its potential to assist the court in correcting the conduct of the defendant. Deferred disposition is entirely discretionary, and its utility is restricted ultimately only by the scope of vision of those who employ it. Driving Safety Courses offer another opportunity to educate and hopefully correct a defendant’s conduct.

This session will examine the deferred options available to municipal judges in Articles 45.051 and 45.0511 of the Code of Criminal Procedure, and ways that judges can use them effectively and ethically.

By the end of the session, participants will be able to:

1. Describe the natures of Deferred Disposition and DSC and their differences;
2. Identify which offenses may be dismissed upon completion of a driving safety course;
3. Identify when a defendant becomes eligible for a DSC; and
4. Recognize the differences between mandatory and permissive DSC.

15.17 Magistration

The duties of arresting peace officers and of magistrates are detailed in the Code of Criminal Procedure. Article 14.06 provides that peace officers must take the accused before a magistrate when a warrantless arrest is made pursuant to one of the exceptions to the warrant requirement. Such exceptions are stated in Chapter 14. Similarly, Article 15.17, C.C.P., requires that individuals arrested pursuant to a warrant also be brought before a magistrate. Presentation before a magistrate must take place without unnecessary delay, but in no event more than 48 hours after the person is arrested. When presentation takes place, municipal judges (as magistrates) must warn adult offenders of their respective rights as required under Article 15.17. This session will explore the many requirements of Article 15.17 and explore other related issues.

By the end of the session, participants will be able to:

1. Identify requirements of a magistrate under Article 15.17;
2. Demonstrate requirements of Article 15.17; and
3. Discuss constitutional issues and statutory requirements related to magistration.

Record Requests (PIA, Rule 12, Confidentiality)

Every year municipal courts in Texas generate millions of documents. During the same time they receive paper work from various sources. Each of these documents triggers a distinct series of legal rules relating to the public's right to know. Court personnel should be ready to properly deal with requests to inspect files, regardless if the request comes from the media or a member of the public. Balancing public access with particular exceptions can be a difficult task both legally and ethically, but this session will explore the difference between case records and judicial records, discuss special rules affecting access to records, and examine the new confidentiality model for juvenile records.

By the end of the session, participants will be able to:

1. Distinguish court case records & judicial records;
2. Contrast rules controlling access to judicial records and court case records;
3. Identify special types of records that are controlled by special rules; and
4. Explain the charges that should be assessed for providing records.

OCA Reporting

It is a duty of each judge, clerk, or other court official to report statistical information pertaining to the business transacted in the court to the Office of Court Administration (OCA). OCA's mission is to provide administrative assistance and technical support to all of the courts in Texas. The Texas Supreme Court appoints the Administrative Director of OCA who also serves as the Executive Director of the Texas Judicial Council. The Texas Judicial Council is the policy-making body for the state judiciary, and the council uses the information reported by the courts to study methods to simplify judicial procedures, expedite court business, and better administer justice. It examines the work accomplished by the courts and submits recommendations for improvement of the system to the Legislature, the Governor, and the Supreme Court. This session will prepare judges to carry out the duty of reporting statistical information by examining the recent changes to the reporting form and reviewing the submission process.

By the end of the session, participants will be able to:

1. Identify who decides what data will be collected;
2. Identify the importance of and use of the data collected;
3. Distinguish the changes to the reporting form effective September 1, 2011;
4. Describe how to submit the report on-line and run activity reports; and
5. Demonstrate how to search the judicial directory.

Courts, Communities, & Classrooms: Educating the Public About the Law

The notion that a judge's role as a public official is limited to decision making in the courtroom is a common misconception that is neither supported by law nor any canon of judicial conduct. The failure of judges to understand the proper legal and ethical constraints of their extrajudicial activities, compounded by perceived lack of opportunities for public outreach stymies the judiciary's ability to engage in important public dialog. Municipal judges in Texas constitute more than 36 percent of the state judiciary. On any given day, municipal judges in Texas come into more contact with members of the public than all other Texas courts combined. Municipal judges have a unique opportunity to play a meaningful role in discussing the law and various traffic safety issues with students and members of the community.

By the end of the session, participants will be able to:

1. Assess the importance of the court's involvement in public outreach programs;
2. Discuss ethical issues with the court's role and involvement in public outreach programs; and
3. Identify resources to support the court's public outreach program.

Animal Hearings in Municipal Court

Municipal Judges preside over hearings to determine if animals are a danger to persons or other animals and also to determine if animals are being cruelly treated. Dangerous and cruelly treated animals may be seized under warrant from municipal court and, in some cases, destroyed. These procedures can be unfamiliar territory as the procedures stray from the usual criminal complaint process. Further complicating the issue, many of the statutory procedures changed in the recent legislative session. This session aims to provide municipal judges with necessary guidance in dealing with animal hearings.

By the end of the session, participants will be able to:

1. Define “cruelly-treated” and “dangerous dog” as those terms relate to animal hearings in municipal court;
2. Identify the statutory procedures for both cruelly-treated animals and dangerous dog hearings in municipal court;
3. Discuss the required court actions involved in the lawful seizure of a dangerous dog or cruelly treated animals;
4. Discuss the disposition options available after a court has ruled in a dangerous dog or cruelly-treated animal hearing; and
5. Explain the municipal court’s role and limitations in animal-related cases.

Debriefing Session: Legislative Q&A

This course is designed to provide judges with an opportunity to address a broad range of questions related to the new legislation affecting municipal courts. The course will be structured around questions submitted by the participants.

By the end of the session, participants will be able to:

1. Identify legislative trends in the adjudication of criminal cases in municipal courts; and
2. Locate new statutory provisions applicable to common legal questions encountered by municipal courts.

Bullying, Sexting, and Online Impersonation

According to reports, a considerable percentage of students nationwide have fallen victim to bullying. Recent developments in technology have contributed to the rise of bullying by electronic means (cyberbullying), and the relate new crimes of sexting and online impersonation. Interested parties contend that, with more than four million students in the state public education system, Texas should improve expectations for its schools in addressing this problem bullying, and courts should be prepared to handle more charges that can be committed through electronic means.

By the end of the session, participants will be able to:

1. Describe the changes and new laws regarding sexting, bullying, and online impersonation;
2. Discuss the punishments and defenses applicable to sexting, bullying, and online impersonation charges; and
3. Differentiate and separate the sexting cases which remain within the jurisdiction of the municipal court from those cases which the municipal court transfer to juvenile court.

JNAs Revisited: A Cautionary Tale

Many juvenile cases are processed in municipal courts throughout the state. Frequently the juvenile fails to successfully complete the order of the court; and in some instances, the juvenile simply fails to appear in court at all. Often these juvenile cases are still pending in court when the juvenile becomes an adult as

defined by law. The Code of Criminal Procedure provides specific and certain statutes for dealing with this population, termed the “Juvenile Now Adult.” This class will first discuss the critical steps the court must take before a *capias pro fine* may issue for a juvenile, who is now an adult, who has failed to pay as ordered by the court. Second, this class will identify the means available to the court in handling cases in which a juvenile has failed to appear, and the juvenile has now become an adult.

By the end of the session, participants will be able to:

1. Find applicable law affecting juveniles, now adults (“JNAs”) in Municipal Court;
2. Identify steps a Court must take before any additional action against JNAs; and
3. Formulate strategies for applying these laws to Court procedures.

Trafficking of Persons

Human trafficking is the illegal trade of human beings and is a modern-day form of slavery. Human trafficking is a criminal enterprise frequently cited as the second-largest criminal industry in the world. In 2009, the Texas Legislature created a statewide Human Trafficking Prevention Task Force housed in the Office of the Attorney General (OAG) to develop policies and procedures to assist in the prevention and prosecution of human trafficking crimes. The 2011 *Texas Human Trafficking Prevention Task Force Report* was released by OAG and included legislative recommendations agreeable to all 47 task force members. Several of these recommendations resulted in the passage of new laws in the 2011 legislative session. Many defendants that appear before municipal judges could be involved in the commission of human trafficking crimes or could be victims of human trafficking.

By the end of the session, participants will be able to:

1. Define human trafficking and distinguish it from other crimes that may be occurring simultaneously;
2. Identify warning signs that human trafficking may be occurring within their jurisdiction; and
3. Apply existing laws and ordinances in order to successfully magistrate and recommend appropriate outcomes in cases that may involve human trafficking.

Scenarios and Solutions

More people come into personal contact with municipal courts than all other Texas courts combined. Municipal judges constitute 38 percent of the entire state judiciary. Accordingly, municipal judges occupy a unique and most important position in the Texas judicial system. Additionally, the role of municipal courts in city government has at times proven problematic for all parties involved. The Court of Criminal Appeals has consistently held that despite the fact that they exist in the context of city government, municipal courts are state trial courts and are governed by the same rules of practice as are other state courts. This often overlooked statement of law has long been the source of various intergovernmental problems that are unique to municipal courts. This session aims to prepare judges to develop solutions to common and uncommon potential scenarios that could arise due the incredible volume of persons that interact with the court as well as the unique role of municipal courts in local government.

By the end of the session, participants will be able to:

1. Apply ethical rules regarding judicial conduct and communication to potential situations both inside and outside the court;
2. Identify and avoid potential problems involving conflicts of interest as a result of activities outside of the court; and
3. Devise solutions to maximize the efficiency and effectiveness of the court amidst workplace conflict and/or local political controversy.

Sovereign and Difficult Defendants

Improperly citing the Uniform Commercial Code, the Holy Bible, and a host of other texts, sovereign defendants can pose unique arguments in an attempt to confuse and even frustrate the judicial system. Such defendants, however, must be adjudicated in a fair and judicious manner.

By the end of the session, participants will be able to:

1. Recognize a difficult or sovereign defendant;
2. Distinguish a difficult defendant from a sovereign defendant;
3. Develop a systematic set of procedures to process a case involving a difficult or sovereign defendant;
4. Recognize ethical issues when confronted with a difficult or sovereign defendant.